


**RECEIVED  
CENTRAL FAX CENTER**

AUG 26 2004

---

**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

---

 <p>ADVANCED BIONICS</p> <p>25129 Rye Canyon Rd. Valencia, CA 91355</p>	<p><b>FAX TRANSMITTAL</b></p> <p>To: US Patent &amp; Trademark Office Examiner LoAn H. Thanh, Art Unit 3763, phone (703) 305-0038</p> <p>Fax: (703) 872-9306</p> <p>From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507</p> <p>Date: August 26, 2004</p> <p>Pages: Ten (10), Including Cover Page</p> <p>Re: Supplemental Amendment Under 37 CFR 1.116 for S/N 10/057,144, filed January 24, 2002; Attorney Docket No.: AB-209U</p>	<p><b>Certificate of Transmission</b></p> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306</p> <p>on this date: <u>August 26, 2004</u></p> <p>Typed Name: <u>Karvn M. Murray</u></p> <p>Signature: <u>[Signature]</u></p> <p>Date: <u>2004 Aug 26</u></p>
--	--	--

**MESSAGE:**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$410 to Deposit Account (1 page); and
- Supplemental Amendment Under 37 CFR 1.116, responding to a Final Office Action mailed April 22, 2004, for Application Serial Number 10/057,144 (8 pages).

Thank you.

**[✓] Please Acknowledge Receipt of This Communication.**

---

**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission may contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distributions, or the taking of any action in reliance on the contents of this telefaxed information is strictly prohibited.

If you received this communication in error, please call (661) 362-1906 to report such error. To communicate with us by FAX, please dial (661) 362-1507. We receive fax transmissions automatically, 24-hours a day.

---

AUG 26 2004

## AMENDMENT TRANSMITTAL LETTER

Attorney Docket No:  
AB-209UApplication Serial Number:  
10/057,144Filing Date:  
1/24/2002Examiner:  
LoAn H. ThanhGroup Art Unit:  
3763

Title: Microminiature Infusion Pump

## TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	2	MINUS	22	0	\$18	\$0
INDEP. CLAIMS	1	MINUS	3	0	\$84	\$0

X Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 4/22/2004 to and through 8/26/2004, comprising an extension of the shortened statutory period of:

     one month (\$110)                           three months (\$930)  
X two months (\$410)                           four months (\$1,450)

## TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

X Charge \$ 410.00 to Deposit Account 50-0648.

Date

2004 Aug 26Laura Haburay Bishop  
Reg. No. 47424

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on August 26, 2004.

  
Karyn M. Murray

**RECEIVED  
CENTRAL FAX CENTER**

Docket No.: AB-209U

**AUG 26 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Appl. No.: 10/057,144  
Conf. No.: 2473Applicants: Whitehurst, et al.  
Filed: January 24, 2002  
TC/A.U.: 3763  
Examiner: Thanh, LoAn H.

Title: Microminiature Infusion Pump

Docket No.: AB-209U  
Customer No.: 23845**Certificate of Transmission or Transmission**  
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, or is being facsimile transmitted to the U.S. Patent and Trademark Office,on this date: August 26, 2004Typed Name: Karyn M. MurraySignature: [Handwritten Signature]Date: 2004 Aug 26Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED****Supplemental Amendment Under 37 CFR 1.116**

Dear Examiner:

This supplemental amendment responds to the final Office action mailed April 22, 2004 for the above-identified application, in which claims 19, 20, 23, 25, and 26 were rejected and claim 24 was considered allowable if rewritten in independent form. A request for a two-month extension of time is submitted concurrently herewith.

By way of the present amendment, claim 24 has been rewritten in independent form, including all the limitations of base claim 19 and intervening claim 20. Two (2) claims remain pending in the application, claims 24 and 25. Applicant submits that this Amendment places the claims in condition for allowance and/or in better form for consideration on appeal.

It is earnestly requested that this Amendment be considered and entered.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** begin on page 4 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

Application Number 10/057,144  
Amendment dated August 26, 2004  
Supplemental Reply to final Office action mailed April 22, 2004

Page 1 of 8